

Amendment No. 1 to HB0044

**Lamberth
Signature of Sponsor**

AMEND Senate Bill No. 113

House Bill No. 44*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 38, Chapter 6, Part 1, is amended by adding the following language as a new section:

(a) This section shall be known and may be cited as the "Help Find the Missing Act".

(b) As used in this section:

(1) "Missing citizen" has the same meaning as defined in § 38-6-121;

(2) "Regional forensic center" means a facility accredited by the National Association of Medical Examiners at which autopsies are performed pursuant to § 38-7-105; and

(3) "Unidentified body" means human remains which are unidentified after all available methods have been exhausted.

(c)

(1) In all cases in which the county medical examiner is not satisfied with the decedent's identification the body shall be referred for examination to a regional forensic center.

(2) The regional forensic center shall furnish the Tennessee bureau of investigation (TBI) and the National Missing and Unidentified Persons System created by the United States department of justice's national institute of justice (NamUs), if physically possible, with copies of fingerprints on standardized eight inch by eight inch (8" x 8") fingerprint cards or the equivalent digital image; prints

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or partial prints of any fingers; any forensic odontology report concerning the body; detailed personal descriptions; DNA results; and all other identifying data, including date and place of death, of all deceased persons whose deaths are in a classification requiring inquiry by the medical examiner and who remain unidentified after all available methods have been exhausted.

(d)

(1) When any person makes a report of a missing person to a law enforcement agency, the agency shall immediately request a member of the family or next of kin of the missing person to authorize the release to local law enforcement of the dental records of the person reported missing. If the person reported missing is still missing thirty (30) days after the report is made, the law enforcement agency shall deliver the release to the dentist or dentists of the missing person, and request the dentist or dentists to deliver such records, including dental x-rays, to the local law enforcement agency.

(2) If the person reported missing has not been found within the first thirty (30) days and no family or next of kin exists or can be located, the law enforcement agency may execute a written declaration, stating that an active investigation seeking the location of the missing person is being conducted and that the dental records are necessary for the exclusive purpose of furthering the investigation. Such written declaration, signed by a law enforcement officer, is sufficient authority for the dentist or dentists to release the missing person's dental records, including dental x-rays, to the local law enforcement agency, and

shall not be the basis for disciplinary action pursuant to § 63-5-124. Upon receipt of a properly executed release and request or declaration, the dentist or dentists shall forward the dental records, including dental x-rays, to local law enforcement, where a file shall be maintained concerning persons reported as missing and who have not been reported as found. Within ten (10) days of receipt, a copy of the dental records, including x-rays, shall be forwarded to NamUS by the local law enforcement agency or the TBI.

(e) Whenever a law enforcement agency determines that a person is a missing citizen, or that an unidentified living person may be a missing citizen, such law enforcement agency shall enter the report of such missing citizen in any database of missing persons currently required by their agency, into any missing person database utilized by the TBI and into NamUs.

(f) If the TBI receives the report of a missing citizen, the TBI shall maintain a record of the case file. The TBI shall promulgate rules relating to the dissemination of the records. The rules shall require that, pursuant to this subsection (f), the process of releasing the records shall take no longer than forty-eight (48) hours from the time the TBI receives a report that a citizen, for whom there is a previous record, is missing. The record may be disseminated if the individual to whom the record pertains is reported missing on a subsequent occasion or if needed for evidentiary purposes in any civil litigation against the TBI or its personnel that arises from the investigation. In the event that there are grounds for a criminal action arising from the investigation, nothing in this subsection (f) shall prohibit the TBI from allowing the records to remain until criminal action is concluded or otherwise resolved.

(g) The information contained in the TBI's missing person files shall be made available to NamUs and to law enforcement agencies attempting to locate missing persons.

(h) No law enforcement agency shall establish or maintain any policy which requires the observance of a waiting period before accepting and investigating a missing child report. Upon receipt of a report of a missing child, a law enforcement agency shall enter the child into the National Crime Information Center (NCIC) pursuant to federal bureau of investigation mandate, which is two (2) hours from the time the child is reported missing to law enforcement.

(i) When a person previously reported missing has been found, the sheriff, chief of police, medical examiner, regional forensic center, or other law enforcement agency shall report to the TBI and to NamUs within twenty-four (24) hours that the person has been found.

(j) Nothing in this section prohibits law enforcement agencies or regional forensic centers from maintaining case files related to missing citizens or unidentified bodies.

(k) Nothing in this section supersedes the authority of the regional forensic center to obtain dental records, including charts and x-rays in cases in which these records are necessary for the identification of human remains as authorized in § 38-7-117.

SECTION 2. This act shall take effect July 1, 2017, the public welfare requiring it.